## Northern District of California

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UNITED STATES DISTRICT COURT
JORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-YGR (SVK)

ORDER ON ADMINISTRATIVE MOTIONS FOR LEAVE TO FILE UNDER SEAL

Re: Dkt. Nos. 543, 545, 558, 560, 573, 586, 592

Before the Court are several administrative motions to file under seal materials associated with discovery disputes in this case. Dkt. 543, 545, 558, 560, 573, 586, 592; see also Dkt. 555, 570, 584.

Courts recognize a "general right to inspect and copy public records and documents, including judicial records and documents." Kamakana v. City & Cnty. Of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v. Warner Communs., Inc., 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a "strong presumption in favor of access." Kamakana, 447 F.3d at 1178 (quoting Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are "more than tangentially related to the underlying cause of action" must demonstrate "compelling reasons" that support secrecy. Ctr. For Auto Safety v. Chrysler Grp., 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re "not related, or only tangentially related, to the merits of the case," the lower "good cause" standard of Rule 26(c) applies. *Id.*; see also Kamakana, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the "good cause" standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

### 1. Dkt. 543

Document	Court's Ruling on	Reason(s) for Court's Ruling
Sought to be	Motion to Seal	Reason(s) for Court's Running
Sealed	Within to Scar	
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Google LLC's	GRANTED as to the	The information requested to be sealed contains
Objections to	portions at:	Google's confidential and proprietary information
Special Master's		regarding sensitive features of Google's internal
Report and	Pages: 3:2-4, 3:7-12,	systems and operations, including various types of
Recommendation	3:14-15, 4:1-9, 4:13-	Google's internal projects, data signals, and logs
on Referred	14, 4:18-19, 5:4-5,	and their proprietary functionalities, that Google
Discovery Issues	5:11-13, 5:16-17,	maintains as confidential in the ordinary course of
(Preservation	6:2-3, 6:8-9, 6:13-	its business and is not generally known to the public
Plan)	14, 7:2-3, 7:6-7,	or Google's competitors. Such confidential and
	7:11-12, 7:16-17,	proprietary information reveals Google's internal
	8:1-2, 8:6-7, 8:11-	strategies, system designs, and business practices
	12, 9:1, 9:5-6, 9:9-	for operating and maintaining many of its services.
	10, 9:14-16, 10:1,	Public disclosure of such confidential and
	10:8-10, 10:13-14,	proprietary information could affect Google's
	10:17-19; 11:3-14,	competitive standing as competitors may alter their
	11:16, 11:18-19,	systems and practices relating to competing
	12:1-4, 12:7, 12:11-	products. It may also place Google at an increased
	14, 13:1-2, 13:7-8,	risk of cybersecurity threats, as third parties may
	13:14-16, 14:1,	seek to use the information to compromise
	14:5-15	Google's internal practices relating to competing
		products.

### 2. Dkt. 545 (see also Dkt. 555)

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Plaintiffs'	GRANTED as to the	The information requested to be sealed contains
Objections to the	portions at:	Google's confidential and proprietary information
Special Master's		regarding sensitive features of Google's internal

Orders on Referred Discovery Disputes  Dispute	Report and	Pages 1-3, 5-6	systems and operations, including various types of
Referred Discovery Disputes  and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information requested to be sealed contains Google's internal practices relating to competing products.  Exhibit 1 to GRANTED as to the portions at:  Pages 123:6-7, 173:4, 174:15, 174:24  Bages 123:6-7, 173:4, 174:4, 174:15, 174:24  Bages 123:6-7, 173:4, 174:4, 174:15, 174:24  Bages 123:6-7	*	1 4 5 6 5 1 5 , 5 6	
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systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.  Declaration of Christopher portions at:  Thompson in Support of Plaintiffs' Objections to the Christopher and proper seems and operations, including various types of Google's internal projects, data signals, and logs, and their proprietary functionalities, as well as			proprietary information could affect Google's
products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.  Declaration of Christopher Thompson in Support of Plaintiffs' PDF Pages 3:21-22, 4:1, 4:3-4, 4:14, 4:26 Google's internal projects, data signals, and logs, and their proprietary functionalities, as well as			competitive standing as competitors may alter their
risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.  Declaration of Christopher Thompson in Support of Plaintiffs' Objections to the Tisk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal products.  The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, data signals, and logs, and their proprietary functionalities, as well as			systems and practices relating to competing
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Declaration of Christopher Christopher Thompson in Support of Plaintiffs' Objections to the Objections to the Christopher Thompson in Support of Plaintiffs' Objections to the			Google's internal practices relating to competing
Christopher Thompson in Support of Plaintiffs' Objections to the  Thompson in Support of Plaintiffs' Objections to the  Dortions at:  Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, data signals, and logs, and their proprietary functionalities, as well as			
Thompson in Support of Plaintiffs' PDF Pages 3:21-22, 4:1, 4:3-4, 4:14, 4:26 Objections to the Post of Plaintiffs' and their proprietary functionalities, as well as	Declaration of	GRANTED as to the	The information requested to be sealed contains
Support of PDF Pages 3:21-22, systems and operations, including various types of Google's internal projects, data signals, and logs, and their proprietary functionalities, as well as	Christopher	portions at:	Google's confidential and proprietary information
Plaintiffs' 4:1, 4:3-4, 4:14, 4:26 Google's internal projects, data signals, and logs, and their proprietary functionalities, as well as	Thompson in		regarding sensitive features of Google's internal
Objections to the and their proprietary functionalities, as well as	Support of	•	systems and operations, including various types of
	Plaintiffs'	4:1, 4:3-4, 4:14, 4:26	Google's internal projects, data signals, and logs,
	Objections to the		and their proprietary functionalities, as well as
The first the first the coopie maintains as	Special Master's		internal metrics, that Google maintains as

Recommended		confidential in the ordinary course of its business
Preservation Plan		<u> </u>
r reservation r ian		and is not generally known to the public or
		Google's competitors. Such confidential and
		proprietary information reveals Google's internal
		strategies, system designs, and business practices
		for operating and maintaining many of its services.
		Public disclosure of such confidential and
		proprietary information could affect Google's
		competitive standing as competitors may alter their
		systems and practices relating to competing
		products. It may also place Google at an increased
		risk of cybersecurity threats, as third parties may
		seek to use the information to compromise
		Google's internal practices relating to competing
		products.
Exhibit A to	GRANTED as to the	The information requested to be sealed contains
Thompson	portions at:	Google's confidential and proprietary information
Declaration		regarding sensitive features of Google's internal
	Sealed in entirety	systems and operations, including various types of
		Google's internal projects, identifiers, data signals,
		and logs, and their proprietary functionalities, as
		well as internal metrics, that Google maintains as
		confidential in the ordinary course of its business
		and is not generally known to the public or
		Google's competitors. Such confidential and
		proprietary information reveals Google's internal
		strategies, system designs, and business practices
		for operating and maintaining many of its services.
		Public disclosure of such confidential and
		proprietary information could affect Google's
		competitive standing as competitors may alter their
		systems and practices relating to competing
		products. It may also place Google at an increased
		risk of cybersecurity threats, as third parties may
		seek to use the information to compromise
		Google's internal practices relating to competing
		products.
Exhibit B to	GRANTED as to the	*
		The information requested to be sealed contains
Thompson	portions at:	Google's confidential and proprietary information
Declaration	Social in antinotes	regarding sensitive features of Google's internal
	Sealed in entirety	systems and operations, including various types of
		Google's internal projects, identifiers, data signals,
		and logs, and their proprietary functionalities, as
		well as internal metrics, that Google maintains as
		confidential in the ordinary course of its business
		and is not generally known to the public or
		Google's competitors. Such confidential and
		proprietary information reveals Google's internal

# strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

Document	Court's Ruling on	Reason(s) for Court's Ruling
Sought to be	Motion to Seal	
Sealed		
Google's	GRANTED as to the	The information requested to be sealed contains
Responses to	portions at:	Google's confidential and proprietary information
Plaintiff's		regarding sensitive features of Google's internal
Objections to	Pages: 2:7-8, 2:26-	systems and operations, including various types of
Special Master's	27, 3:4-7, 3:22-24,	Google's internal projects, data signals, and logs
Report and	4:5, 5:14, 5:25-27,	and their proprietary functionalities, that Google
Recommendation	6:10-11, 6:14, 6:17,	maintains as confidential in the ordinary course of
on Referred	6:19-21, 7:2-5	its business and is not generally known to the public
Discovery Issues		or Google's competitors. Such confidential and
(Preservation		proprietary information reveals Google's internal
Plan)		strategies, system designs, and business practices
		for operating and maintaining many of its services.
		Public disclosure of such confidential and
		proprietary information could affect Google's
		competitive standing as competitors may alter their
		systems and practices relating to competing
		products. It may also place Google at an increased
		risk of cybersecurity threats, as third parties may
		seek to use the information to compromise
		Google's internal practices relating to competing
		products.
Trebicka Exhibit	GRANTED as to the	The information requested to be sealed contains
1	portions at:	Google's confidential and proprietary information
		regarding sensitive features of Google's internal
	Redacted in its	systems and operations, including various types of
	Entirety	Google's internal projects, data signals, and logs
		and their proprietary functionalities, that Google
		maintains as confidential in the ordinary course of
		its business and is not generally known to the public
		or Google's competitors. Such confidential and
		proprietary information reveals Google's internal

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		strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Declaration of	GRANTED as to the	The information requested to be sealed contains
Richard Harting	portions at:	Google's confidential and proprietary information regarding sensitive features of Google's internal
	Pages: 1:22-23, 2:3-	systems and operations, including various types of
	6, 2:8-10, 2:13-26,	Google's internal projects, data signals, and logs
	2:28, 3:1-7, 3:10-12,	and their proprietary functionalities, that Google
	3:14-15	maintains as confidential in the ordinary course of
		its business and is not generally known to the
		public or Google's competitors. Such confidential and proprietary information reveals Google's
		internal strategies, system designs, and business
		practices for operating and maintaining many of its
		services. Public disclosure of such confidential and
		proprietary information could affect Google's
		competitive standing as competitors may alter
		their systems and practices relating to competing
		products. It may also place Google at an increased
		risk of cybersecurity threats, as third parties may
		seek to use the information to compromise
		Google's internal practices relating to competing
		products.

## 4. Dkt. 560 (see also Dkt. 570)

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Plaintiffs' Response to	GRANTED as to the portions at:	The information requested to be sealed contains Google's confidential and proprietary information
Google's		regarding sensitive features of Google's internal
Objections to Special Master Brush Report	Pages 2-5	systems and operations, including various types of Google's internal projects, identifiers, and logs and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's

		internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Thompson Declaration	GRANTED as to the portions at:  Pages 1:19, 1:21, 1:24-26, 2:1-2, 2:6, 2:12, 2:15-17, 2:25, 2:27, 3:18, 3:21, 3:28, 4:2, 4:5-6, 4:12-13, 4:16	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, identifiers, data signals, and logs and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

## 5. Dkt. 573 (see also Dkt. 584)

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Plaintiffs' Response to Google's Submission Re: Privilege Re- Review (Dkt. 566)	GRANTED as to the portions at:  Pages 2:6-7	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including logs and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices

6. Dkt. 586	competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

Document	Court's Ruling on	Reason(s) for Court's Ruling
Sought to be Sealed	Motion to Seal	
March 17, 2022 Hearing Transcript	GRANTED as to redacted portions at:  Pages 13:7, 13:24- 14:1, 14:5, 14:10, 14:14, 14:22, 14:24, 15:3	The information requested to be sealed contains Google's confidential and proprietary information, including details related to Google's internal systems, projects, identifiers, and their proprietary functions, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
March 17, 2022 Hearing Transcript	GRANTED as to redacted portions at: 4:15-17	The information requested to be sealed contains sensitive medical information.

United States District Court Northern District of California 

### 7. Dkt. 592

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Order Adopting in Part and Modifying In Part the Special Master's Report and Recommendation on Referred Discovery Issues re Preservation Plan (Dkt. 587)	GRANTED as to Portions of Order at:  Pages 7:20-21, 7:23-25, 8:14  GRANTED as to Portions of Exhibit A to Order at:  Pages 2-3	Narrowly tailored to protect confidential technical information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, data signals, and logs and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

### SO ORDERED.

Dated: June 21, 2022

SUSAN VAN KEULEN United States Magistrate Judge